

AO 257 (Rev. 6/78)

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

8 U.S.C. §§ 1326(a) and (b) -- Deported Alien Found In United States

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY: Imprisonment: 20 years
 Fine: \$250,000
 Supervised release: 3 years
 Special assessment: \$100

Name of District Court, and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

OAKLAND DIVISION

DEFENDANT - U.S.

JOSE JAVIER MEJIA-GUTIERREZ

DISTRICT COURT NUMBER

CRO8-484

FILED
 JUL 23 2008
 RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 OAKLAND

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Immigration and Customs Enforcement

☐ person is awaiting trial in another Federal or State Court, give name of court

☐ this person/proceeding is transferred from another district per (circle one) FRCrp 20, 21, or 40. Show District

☐ this is a reprosecution of charges previously dismissed which were dismissed on motion of:

☐ U.S. ATTORNEY ☐ DEFENSE

SHOW DOCKET NO.

☐ this prosecution relates to a pending case involving this same defendant

MAGISTRATE CASE NO.

☒ prior proceedings or appearance(s) before U.S. Magistrate regarding this defendant were recorded under

08-70438 WDB

Name and Office of Person

Furnishing Information on this form JOSEPH P. RUSSONIELLO

☒ U.S. Attorney ☐ Other U.S. Agency

Name of Assistant U.S.

Attorney (if assigned) JAMES C. MANN, AUSA

DEFENDANT

IS NOT IN CUSTODY

Has not been arrested, pending outcome this proceeding.

- 1) ☐ If not detained give date any prior summons was served on above charges
- 2) ☐ Is a Fugitive
- 3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

- 4) ☒ On this charge
- 5) ☐ On another conviction } ☒ Federal ☐ State
- 6) ☐ Awaiting trial on other charges

If answer to (6) is "Yes", show name of institution

Has detainer been filed? ☐ Yes ☐ No

If "Yes" give date filed

DATE OF ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

DATE TRANSFERRED TO U.S. CUSTODY

Month/Day/Year

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☒ NO PROCESS* ☐ WARRANT

Bail Amount: _____

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Date/Time: _____ Before Judge: _____

Comments:

E-filing

United States District Court

FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: OAKLAND

FILED

JUL 23 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES OF AMERICA,

v.

CRO8-484

DLJ

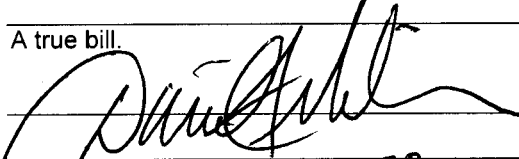
JOSE JAVIER MEJIA-GUTIERREZ,
a/k/a Marcus Hernandez Ramirez,
a/k/a Marco Espinoza Cardona,
a/k/a Luis Aves,

DEFENDANT(S).

INDICTMENT

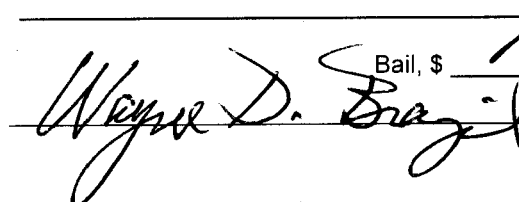
8 U.S.C. §§ 1326(a) and (b) -- Deported Alien Found In United
States

A true bill.


Foreman

Filed in open court this 23rd day of
JULY 2008

Clerk

 Bail, \$ No process. 7/23/08

E-filing

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

FILED
JUL 23 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CR08-484 DLJ

UNITED STATES OF AMERICA,
Plaintiff,
v.
JOSE JAVIER MEJIA-GUTIERREZ,
a/k/a Marcus Hernandez Ramirez,
a/k/a Marco Espinoza Cardona,
a/k/a Luis Aves,
Defendant.

Criminal No.:

VIOLATION: 8 U.S.C. §§ 1326(a) and (b) --
Deported Alien Found In United States

OAKLAND VENUE

INDICTMENT

The Grand Jury charges:

1. Prior to January 31, 2008, defendant JOSE JAVIER MEJIA-GUTIERREZ was convicted of at least one felony crime punishable by a term of imprisonment exceeding one year.
2. On or about September 22, 2004, May 9, 2005, September 20, 2006, July 10, 2007, and January 31, 2008, defendant JOSE JAVIER MEJIA-GUTIERREZ was removed, excluded, and deported from the United States.
3. After January 31, 2008, defendant JOSE JAVIER MEJIA-GUTIERREZ knowingly and voluntarily reentered and remained in the United States.

INDICTMENT

4. On or about June 30, 2008, in the Northern District of California, the defendant,

JOSE JAVIER MEJIA-GUTIERREZ,
a/k/a Marcus Hernandez Ramirez,
a/k/a Marco Espinoza Cardona,
a/k/a Luis Aves,

an alien, was found in the United States without having obtained the express consent of the Attorney General or the Secretary of the Department of Homeland Security to reapply for admission into the United States, in violation of Title 8, United States Code, Sections 1326(a) and (b).

DATED: July 23, 2008

A TRUE BILL

FOREPERSON

JOSEPH P. RUSSONIELLO
United States Attorney

W. DOUGLAS SPRAGUE
Chief, Oakland Branch

(Approved as to form: AUSA J.C. MANN)